

BRESSLER, AMERY & ROSS, P.C.

325 Columbia Turnpike
Florham Park, New Jersey 07932
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Attorneys for Defendant
L&R Trucking Company, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PIETRO M. SARNI,

Plaintiff,

v.

L&R TRUCKING, JOHN DOE or JANE
DOE, RICHARD ROE, ABC
CORPORATION and XYZ PARTNERSHIP
(fictitious names),

Defendants.

Civil Action No.: 2:19-cv-8726

**NOTICE OF REMOVAL
(Diversity)**

Defendant L&R Trucking Company, Inc., improperly pled as L&R Trucking (“Defendant”) through its counsel, pursuant to 28 U.S.C. §§ 1332, 1367, 1441 and 1446, and with a full reservation of any and all rights, claims, objections and defenses, hereby files this Notice of Removal from Superior Court of New Jersey, Law Division, Bergen County, in which the action is now pending under Docket Number L-8718-18 to the United States District Court for the District of New Jersey, and respectfully states:

THE REMOVED CASE

1. On or about December 5, 2018, there was commenced and is now pending before the Superior Court of the State of New Jersey, County of Bergen, a civil action entitled Sarni v. L&R Trucking, et al., Docket No. BER-L-8718-18 (herein after “State Court Action”). A true copy of the complaint filed in that matter is attached as Exhibit 1.

JURISDICTION AND GROUNDS FOR REMOVAL

2. This action is a civil action removable to this Court pursuant to 28 U.S.C. § 1441 because this Court has original jurisdiction over this cause under 28 U.S.C. § 1332(a)(1).

3. L&R Trucking is a corporation of the State of South Carolina, having its principal place of business at 444 Lee Road, Columbia, South Carolina 29229.

4. Based upon the Complaint, Plaintiff resides in North Arlington, New Jersey.

5. Accordingly, the diversity of citizenship requirement is satisfied pursuant to 28 U.S.C. § 1332(a)(1) and (c).

6. Plaintiff asserts in the Complaint personal injury due to negligence in the operation, control, maintenance and/or supervision of said motor vehicle resulting in pain, suffering, medical expenses, and economic losses. Although the Complaint does not state the monetary amount that Plaintiff seeks in relief, Plaintiff alleges a serious and permanent injuries that affect Plaintiff's ability to engage in everyday activities. Based on medical records provided to date, as a result of the accident Plaintiff suffered lumbar and thoracic disc herniations requiring physical therapy and pain management. There is a worker compensation lien, but we do not know the amount. As of October 19, 2018, Plaintiff's attorney was not prepared to discuss resolution stating that even though the Worker Compensation Carrier terminated medical treatment, Plaintiff was going to pursue further pain management. Plaintiff also seeks damages for pain, suffering, medical expenses and economic losses, against the Defendant.

7. Accordingly, in light of Plaintiff's complaints and the fact that the accident involved a tractor trailer, Defendant has a good-faith basis to believe that the matter in controversy in this action exceeds the sum or value of \$75,000, exclusive of interest and costs. Thus, the amount in controversy requirement is satisfied pursuant to 28 U.S.C. § 1332(a). This action is,

therefore, a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332 and one which may be removed by Defendant pursuant to 28 U.S.C. §§ 1441(b) and 1446 in that it is a civil action wherein the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between citizens of different states.

8. In the event Plaintiff seeks to name Defendant's driver as a defendant, he is also a resident of South Carolina.

THE REMOVAL IS TIMELY AND PROCEDURALLY PROPER

9. Plaintiff filed his Complaint in state court on or around December 5, 2018.

10. A copy of the Complaint was served by personal service upon Defendant L&R Trucking on February 19, 2019. Defendant did not receive the Complaint prior to the service of same. Therefore, this Notice of Removal is filed within 30 days of first notice of the lawsuit and less than one year after commencement of the State Court Action. As such, it is timely under 28 U.S.C. § 1446(b).

11. Defendant L&R Trucking consents to the removal of this action to the United States District Court for the District of New Jersey.

12. Pursuant to Fed. R. Civ. P. 81(c)(2)(C), Defendant's response to the Complaint is not due to be served until March 26, 2019.

FILING OF REMOVAL PAPERS

13. Pursuant to 28 U.S.C. § 1446(d), Defendant concurrently herewith gives written notice of filing of this Notice of Removal to the Plaintiff and to the Superior Court, Bergen County, New Jersey. A copy of that Notice is attached to this Removal. (See Exhibit 2 (without exhibits)).

WHEREFORE, Defendant L&R Trucking Company, Inc. hereby removes Case Number L-8718-18 from the Superior Court of New Jersey, Law Division, Bergen County to this Court for

determination and respectfully requests that this Court make and enter an Order of Removal of Case Number L-8718-18.

Respectfully submitted,
BRESSLER, AMERY & ROSS, P.C.
Attorneys for Defendant
L&R Trucking Company, Inc.



By: _____

MaryJane Dobbs

Dated: March 19, 2019

LOCAL RULE 11.2 CERTIFICATION

Pursuant to Local Civil Rule 11.2, the undersigned hereby certifies that, at the time of filing the within, the undersigned is not aware that the matter in controversy is the subject of actions pending in any other court, or of any pending arbitration or administrative proceeding, except as disclosed herein.

Respectfully submitted,
BRESSLER, AMERY & ROSS, P.C.
Attorneys for Defendant
L&R Trucking Company, Inc.



By: _____

MaryJane Dobbs

Dated: March 19, 2019

CERTIFICATE OF SERVICE

On this day, I certify that a copy of the above and foregoing notice was caused to be filed by ECF. I also hereby certify that a true copy of the above and foregoing notice was electronically filed by e-Courts with the Clerk's Office, Superior Court of New Jersey, Bergen County Justice Center, 10 Main Street, Hackensack, New Jersey 07601.

I also hereby certify that a true copy of the above and foregoing notice was delivered by Lawyers' Service to:

Kathleen M. Reilly, Esq.
Brady, Brady & Reilly, LLC
377 Kearny Avenue
Kearny, New Jersey 07032
Attorney for Plaintiff
Pietro M. Sarni



Emily J. Bordens

Dated: March 19, 2019

Exhibit 1

KATHLEEN M. REILLY, ESQ. - Attorney ID No.: 002181983
BRADY, BRADY & REILLY, LLC
377 Kearny Avenue
Kearny, New Jersey 07032
Telephone No.: (201)997-0030
Facsimile No.: (201)997-7150
Attorneys for plaintiff

PIETRO M. SARNI

Plaintiff,

vs.

L&R TRUCKING, JOHN DOE or
JANE DOE, RICHARD ROE, ABC
CORPORATION and XYZ PARTNERSHIP
(fictitious names)

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION BERGEN COUNTY

DOCKET NO.: BER-L-

CIVIL ACTION

COMPLAINT & JURY DEMAND

Plaintiff, PIETRO M. SARNI, residing at 42 Harding Avenue in
the Borough of North Arlington, County of Bergen, State of New
Jersey, complaining of the above named defendants, says:

FIRST COUNT

1. On or about December 19, 2017 and at all times pertinent
to this matter, plaintiff PIETRO M. SARNI was employed as a
warehouseman by the Poly Pak Industries Company at said company's
facility located at 107 Trumble Street, in Elizabeth, New Jersey.

2. At said time and place, defendants, L&R TRUCKING. JOHN
DOE and/or JANE DOE (fictitious names), were the owners and/or
lessees of a truck being operated by defendant, RICHARD ROE
(fictitious name), that was making a delivery of merchandise to
said facility owned and operated by said Poly Pak Industries
Company located at 107 Trumble Street, in Elizabeth, New Jersey.

3. Defendant operated their truck in a careless, reckless and negligent manner, so as to cause the plaintiff to be thrown from a forklift that he was operating in the course of unloading said defendant's truck.

4. As a result of the aforesaid negligence of the defendant, the plaintiff was severely and permanently injured, was caused to suffer great pain and mental anguish, which required and in the future will require medical care and attention, was and in the future will be compelled to expend large sums of money for said medical care and attention and was and in the future will be prevented from engaging in his normal pursuits and occupations.

WHEREFORE, plaintiff, PIETRO M. SARNI, demands judgment against the defendants for damages, together with interest and costs of suit.

JURY DEMAND

TAKE NOTICE that demand is hereby made for trial by jury as to all issues.

BRADY, BRADY & REILLY, LLC
Attorneys for Plaintiff

By:


KATHLEEN M. REILLY, ESQ.

Dated: December 5, 2018

DESIGNATION OF TRIAL COUNSEL

Pursuant to R.4:25-4, KATHLEEN M. REILLY, ESQ., is hereby designated as Trial Counsel of this matter.

BRADY, BRADY & REILLY, LLC
Attorneys for Plaintiff

By:



KATHLEEN M. REILLY, ESQ.

Dated: December 5, 2018

CERTIFICATION

Pursuant to the requirements of Rule 4:5-1, (NOTICE OF OTHER ACTIONS), I, the undersigned, do hereby certify, to the best of my knowledge, information and belief, that except as hereinafter indicated, the subject matter of the controversy referred to in the within pleading is not the subject of any other Cause of Action, pending in any other Court, or of a pending Arbitration Proceeding, nor is any other Cause of Action or Arbitration Proceeding contemplated;

1. OTHER ACTIONS PENDING..... YES___ NO XX
 - A. If YES - Parties to other Pending Actions.
 - B. In my opinion, the following parties should be joined in the within pending Cause of Action.
2. OTHER ACTIONS CONTEMPLATED..... YES___ NO XX
 - A. If YES - Parties contemplated to be joined, in other Causes of Action.
3. ARBITRATION PROCEEDINGS PENDING..... YES___ NO XX
 - A. If YES - Parties to arbitration Proceedings
 - B. In my opinion, the following parties should be joined in the pending Arbitration Proceedings.
4. OTHER ARBITRATION PROCEEDINGS CONTEMPLATED.... YES___ NO XX
 - A. If YES - Parties contemplated to be joined to Arbitration Proceedings.

In the event, that during the pendency of the within Cause of Action, I shall become aware of any change as to any facts stated herein, I shall file an amended certification and serve a copy thereof on all other parties (or their attorneys) who have appeared in said Cause of Action.

BRADY, BRADY & REILLY, LLC
Attorneys for Plaintiff

By: _____

Dated: December 5, 2018


KATHLEEN M. REILLY, ESQ.

Civil Case Information Statement

Case Details: BERGEN | Civil Part Docket# L-008718-18

Case Caption: SARNI PIETRO VS L&R TRUCKING

Case Initiation Date: 12/05/2018

Attorney Name: KATHLEEN M REILLY

Firm Name: BRADY BRADY & REILLY LLC

Address: 377 KEARNY AVE

KEARNY NJ 07032

Phone:

Name of Party: PLAINTIFF : Sarni, Pietro, M

Name of Defendant's Primary Insurance Company
(if known): Canal Insurance Company

Case Type: AUTO NEGLIGENCE-PERSONAL INJURY (NON-
VERBAL THRESHOLD)

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

**Do you anticipate adding any parties (arising out of same
transaction or occurrence)?** NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

**Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:**

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

12/05/2018
Dated

/s/ KATHLEEN M REILLY
Signed

Exhibit 2

MaryJane Dobbs, Esq. (No. 017121989)
Emily J. Bordens, Esq. (No. 021792006)
BRESSLER, AMERY & ROSS, P.C.
325 Columbia Turnpike
Florham Park, New Jersey 07932
(973) 514-1200
Attorneys for Defendant
L&R Trucking Company, Inc.

PIETRO M. SARNI,

Plaintiff,

v.

L&R TRUCKING, JOHN DOE or JANE
DOE, RICHARD ROE, ABC
CORPORATION and XYZ PARTNERSHIP
(fictitious names),

Defendants.

SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY – LAW DIVISION
Docket No.: BER-L-8718-18

Civil Action

NOTICE OF FILING OF REMOVAL

TO: Clerk of the Superior Court of New Jersey
Bergen County Justice Center
10 Main Street
Hackensack, New Jersey 07601

Kathleen M. Reilly, Esq.
Brady, Brady & Reilly, LLC
377 Kearny Avenue
Kearny, New Jersey 07032
Attorney for Plaintiff
Pietro M. Sarni

YOU ARE HEREBY NOTIFIED that, on or about the 19th day of March, 2019, Defendant L&R Trucking Company, Inc., improperly pled as L&R Trucking (“Defendant”) caused to be filed in the United States District Court for the District of New Jersey a Notice of Removal removing the above-styled action from the Superior Court of New Jersey, Law Division of Bergen County, New Jersey, to the United States District Court for the District of New Jersey. A copy of the Notice of Removal is attached hereto as Exhibit 1. The filing of this Notice with

the Clerk of Superior Court of Bergen County, New Jersey effected immediate removal of this action to the United States District Court for the District of New Jersey.

PLEASE TAKE FURTHER NOTICE that this Notice of that filing is given pursuant to the provisions of 28 U.S.C. §1446(d) as amended.

BRESSLER AMERY & ROSS, P.C.

Attorneys for Defendant

L&R Trucking Company, Inc.



By: _____

MaryJane Dobbs

Dated: March 19, 2019

CERTIFICATE OF SERVICE

On this day, I certify that the above and foregoing notice was caused to be electronically filed with the Clerk of the Superior Court of New Jersey, Bergen County Justice Center by e-Courts.

I also hereby certify that a true copy of the above and foregoing notice was delivered by e-Courts and Lawyers' Service to:

Kathleen M. Reilly, Esq.
Brady, Brady & Reilly, LLC
377 Kearny Avenue
Kearny, New Jersey 07032
Attorney for Plaintiff
Pietro M. Sarni



Emily J. Bordens

Dated: March 19, 2019